

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL GOLDEMBERG, on behalf of himself and all
others similarly situated

Plaintiff,

- against -

JOHNSON & JOHNSON CONSUMER COMPANIES, INC.,

Defendant.

No. 13 Civ. 3073 (NSR)

NOTICE OF MOTION

Please take notice that, upon the accompanying memorandum of law, declaration of Harold P. Weinberger dated August 28, 2013 and the exhibits annexed thereto, and all other papers and proceedings in this action, defendant Johnson & Johnson Consumer Companies, Inc., by its undersigned counsel, will move this Court, before the Honorable Nelson Stephen Román, United States District Judge, at the The Hon. Charles L. Brieant Jr. Federal Building and Courthouse, 300 Quarropas Street, White Plains, NY 10601, on a date and at a time to be determined by the Court, for entry of an order dismissing plaintiff's Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, with prejudice, and awarding defendant such other and further relief as the Court deems just and proper.

Dated: August 28, 2013

KRAMER LEVIN NAFTALIS & FRANKEL LLP

By: 

Harold P. Weinberger

Eileen M. Patt

Rachel Feinberg

1177 Avenue of the Americas

New York, New York 10036

Tel.: (212) 715-9100

Fax: (212) 715-8000

epatt@kramerlevin.com

Attorneys for defendant

Johnson & Johnson Consumer Companies, Inc.

To: Kim E. Richman
Reese Richman LLP
875 Avenue of the Americas, 18th Floor
New York, New York 10001
(212) 643-0500

Todd S. Garber, Esq.
Meiselman, Packman, Nealon, Scialabba & Baker PC
1311 Mamaroneck Avenue
White Plains, NY 10605
(914) 517-5000

Attorneys for Plaintiff